



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 31 2016

Ms. Shanna Devine
Government Accountability Project
1612 K Street NW, Suite 1100
Washington, DC 20006

OFFICE OF
INSPECTOR GENERAL

Re: Freedom of Information Act Request (EPA-HQ-2014-006291) – Final Disposition Letter

Dear Ms. Devine:

This letter responds to a portion of your Freedom of Information Act request to the Environmental Protection Agency dated May 7, 2014, regarding measures taken in response to proposed rulemaking RIN: 2050-AE87, "Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements." This response is specific to the portion of your request that asked for documents related to the "EPA Office of Inspector General Report 'Hotline Report: Revisions Needed to National Contingency Plan Based on Deepwater Horizon Oil Spill,' Report No. 11-P-0534, dated August 2011," which was transferred by the EPA to the EPA OIG for a separate response.

After communicating with the EPA OIG FOIA Officer about your FOIA request, you clarified via email on June 26, 2014, that for this portion of the request you were requesting "any drafts of the EPA Office of Inspector General report, in addition to any external or agency comments pertaining to the report that are not in the public domain."

Documents responsive to your request are enclosed. Some redactions of information have been made to the documents pursuant to the FOIA, 5 U.S.C. § 552, Sections (b)(5) and (b)(6). In addition, certain information was identified which was not responsive to your request. All redactions within the responsive documents are made pursuant to Exemption (b)(5), unless otherwise noted.

Exemption (b)(5) exempts from disclosure inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. This exemption generally allows agencies to exempt those documents that are privileged in the context of civil discovery. EPA OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege's domain as well as information protected under the attorney-client privilege.

Exemption (b)(6) exempts from disclosure any information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Personal identifying information has been withheld pursuant to Exemption (b)(6).

This response only applies to documents identified by the Office of Inspector General in response to the portion of your FOIA request, described above. The Environmental Protection Agency responded to your request separately on February 29, 2016.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may appeal this decision to the Counsel to the Inspector General, Office of Counsel, Office of Inspector General, 1200 Pennsylvania Avenue NW, Mail Code (2411T), Washington, D.C. 20460 or via email at oig_foia@epa.gov. The appeal must be made in writing and must be submitted no later than 30 calendar days from the date of this letter. The appeal letter and envelope should include the FOIA tracking number listed above and be marked "Freedom of Information Act Appeal."

If you have any questions concerning this matter, you may contact Scott Levine, EPA OIG FOIA Officer, at (202) 566-1512 or levine.scott@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Susan Barvenik". The signature is fluid and cursive, with the first name "Susan" and last name "Barvenik" clearly distinguishable.

Susan Barvenik
Associate Counsel

Enclosures